

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1003

Introduced by Assembly Member John A. Perez

February 27, 2009

An act to amend Section 13823.17 of the Penal Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 1003, as amended, John A. Perez. Domestic violence grants.

Existing law establishes a grant program for the development and support of domestic violence programs and services for the gay, lesbian, bisexual, and transgender community. Existing law requires the Office of Emergency Services (OES), *renamed the California Emergency Management Agency (Cal EMA)*, to use funds from the Equality in Prevention and Services for Domestic Abuse Fund to award up to 4 grants annually to fund domestic violence programs and services for the gay, lesbian, bisexual, and transgender community, including, but not limited to, all of the following: (1) 24-hour crisis hotlines, (2) counseling, (3) court and social service advocacy, (4) legal assistance with temporary restraining orders, devices, and custody disputes, (5) community resource and referral, (6) household establishment assistance, (7) emergency housing, and (8) educational workshops and publications.

This bill would revise that provision to instead specify that the ~~OES~~ *Cal EMA* shall award grants annually to fund domestic violence programs and services for that community, including, but not limited to, any of the components described above.

Existing law provides that organizations reapplying for grants under the grant program described above shall not be subject to a competitive

grant process, but shall be subject to a request for application process. Existing law also provides that any organization funded through this program in the previous grant cycle shall be funded upon reapplication, except as specified.

This bill would delete the above provisions and would provide that grant recipients are not subject to requirements by the state to provide matching funds for the purposes of that section. The bill would also require grant recipients, as a condition of receiving funding, to ensure that appropriate staff and volunteers having client contact meet the definition of “domestic violence counselor” as specified by other existing law. The bill would make other related changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 13823.17 of the Penal Code is amended
- 2 to read:
- 3 13823.17. (a) The Legislature finds the problem of domestic
- 4 violence in the gay, lesbian, bisexual, and transgender community
- 5 to be of serious and increasing magnitude. The Legislature also
- 6 finds that existing domestic violence services for this population
- 7 are underfunded and that members of this population are unserved
- 8 or underserved in the state. Therefore, it is the intent of the
- 9 Legislature that a goal or purpose of the ~~Office of Emergency~~
- 10 ~~Services (OES)~~ *California Emergency Management Agency (Cal*
- 11 ~~EMA)~~ *EMA)* shall be to increase access to culturally appropriate domestic
- 12 violence education, prevention, and services for the gay, lesbian,
- 13 bisexual, and transgender community.
- 14 (b) The goal of this section is to establish a targeted or directed
- 15 grant program for the development and support of domestic
- 16 violence programs and services for the gay, lesbian, bisexual, and
- 17 transgender community. ~~The OES Cal EMA~~ shall use funds from
- 18 the Equality in Prevention and Services for Domestic Abuse Fund
- 19 to award grants annually to qualifying organizations, with at least
- 20 one in southern California and one in northern California, to fund
- 21 domestic violence programs and services including, but not limited
- 22 to, any of the following:
- 23 (1) Twenty-four-hour crisis hotlines.

- 1 (2) Counseling.
- 2 (3) Court and social service advocacy.
- 3 (4) Legal assistance with temporary restraining orders, devices,
- 4 and custody disputes.
- 5 (5) Community resource and referral.
- 6 (6) Household establishment assistance.
- 7 (7) Emergency housing.
- 8 (8) Educational workshops and publications.

9 (c) Each grant shall be awarded for a three-year term for the
10 purposes of this section.

11 *(d) Grant recipients are not subject to requirements by the state*
12 *to provide matching funds for the purposes of this section.*

13 *(e) As a condition of receiving funding pursuant to this section,*
14 *grant recipients shall ensure that appropriate staff and volunteers*
15 *having client contact meet the definition of “domestic violence*
16 *counselor” as specified in subdivision (a) of Section 1037.1 of the*
17 *Evidence Code. The minimum training specified in paragraph (2)*
18 *of subdivision (a) of Section 1037.1 of the Evidence Code shall be*
19 *provided to those staff and volunteers who do not meet the*
20 *requirements of paragraph (1) of subdivision (a) of Section 1037.1*
21 *of the Evidence Code.*

22 ~~(d)~~

23 (f) In order to qualify for a grant award under this section, the
24 recipient shall be a California nonprofit organization with a
25 demonstrated history of working in the area of domestic violence
26 education and prevention and serving the lesbian, gay, bisexual,
27 and transgender community.

28 ~~(e)~~

29 (g) The funding process for distributing grant awards to
30 qualifying organizations shall be administered by the ~~OES Cal~~
31 ~~EMA~~ as follows:

32 ~~(1) Grants that were not funded in the previous cycle Grant~~
33 ~~funds~~ shall be awarded to qualifying organizations as a result of a
34 competitive request for proposal (RFP) process. The RFP process
35 shall comply with all applicable state and federal statutes and to
36 the extent possible, the response to the RFP shall not exceed 15
37 narrative pages, excluding attachments.

38 (2) The following criteria shall be used to evaluate grant
39 proposals:

1 (A) Whether the proposed program or services would further
2 the purpose of promoting healthy, nonviolent relationships in the
3 lesbian, gay, bisexual and transgender community.

4 (B) Whether the proposed program or services would reach a
5 significant number of people in and have the support of the lesbian,
6 gay, bisexual, and transgender community.

7 (C) Whether the proposed program or services are grounded in
8 a firm understanding of domestic violence and represent an
9 innovative approach to addressing the issue.

10 (D) Whether the proposed program or services would reach
11 unique and underserved sectors of the lesbian, gay, bisexual, and
12 transgender community, such as youth, people of color, immigrants,
13 and transgender persons.

14 (3) Grant funds shall not be used to support any of the following:

15 (A) Scholarships.

16 (B) Awards to individuals.

17 (C) Out-of-state travel.

18 (D) Projects that are substantially completed before the
19 anticipated date of the grant award.

20 (E) Fundraising activities.

21 ~~(4) Organizations reapplying for grants shall not be subject to~~
22 ~~a competitive grant process, but shall be subject to a request for~~
23 ~~application (RFA) process. The RFA process shall consist in part~~
24 ~~of an assessment of the past performance history of the organization~~
25 ~~in relation to the standards established by this section. The response~~
26 ~~to the RFA shall not exceed 10 narrative pages, excluding~~
27 ~~attachments.~~

28 ~~(5) Any organization funded through this program in the~~
29 ~~previous grant cycle shall be funded upon reapplication, unless,~~
30 ~~pursuant to the assessment required under the RFA process, its~~
31 ~~past performance history fails to meet the standards established~~
32 ~~by this section.~~

33 ~~(f)~~

34 (h) Grant recipients may seek, receive, and make use of any
35 funds which may be available from all public and private sources
36 to augment any funds received pursuant to this section.

37 ~~(g)~~

38 (i) ~~The OES Cal EMA~~ may adopt rules as necessary to
39 implement the grant program created under this section.

40 ~~(h)~~

- 1 (j) The ~~OES~~ *Cal EMA* may hire the support staff and utilize all
2 resources necessary to carry out the purposes of this section.
3 (i)
4 (k) For purposes of this section, “domestic violence” means the
5 infliction or threat of physical harm against past or present adult
6 or adolescent intimate partners, including physical, sexual, and
7 psychological abuse against the person, and is a part of a pattern
8 of assaultive, coercive, and controlling behaviors directed at
9 achieving compliance from or control over that person.